IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 1671 of 2007(Y)

PETITIONER:

ISSAC MATHEW, THAZHATH HOUSE,
P.O. KUDAMALOOR,KOTTAYAM.

BY ADV. SRI.S.EASWARAN

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY
ITS SECRETARY.

2. THE DIVISION SQUAD, PALLOM DIVISION, K.E.S.B., PALLOM.

3. THE ASSISTANT ENGINEER, ELECTRICAL SECTION,
K.S.E.B., GANDHI NAGAR, KOTTAYAM.

BY JOSE J. MATHEIKEL, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN,J.

W.P.(C).NO.1671 OF 2007

Dated this the 15th day of January, 2007

JUDGMENT

Petitioner is aggrieved by Ext.P2a demand for an amount of Rs.43,358/- based on a mahazar prepared at the time of inspection. It appears that one phase of the meter was not properly working. It is on that basis that the demand is made for a period of six months prior to the date of detection. The question that arises for consideration is as to whether in such circumstances they could make a demand for a period of six months prior to the date of detection as per the existing provisions. However, the petitioner has got a right of appeal, which he can avail by filing an appropriate appeal before the Consumer Disputes Redressal Forum as per Regulation 24 (2) of the Supply Code. As such the question

be decided by that Forum at the first instance. In the circumstances, if an appeal is filed within a period of three weeks, the appellate authority will consider and dispose of the same in accordance with law. Though the Appellate Authority is not made a party to the proceedings, the petitioner may produce a copy of this judgment before the Appellate Authority for information and compliance. In the meantime, there will be a direction that if the petitioner pays 1/6th of the amount covered by Ext.P2a, the 3rd respondent shall restore the electricity supply to the petitioner. Further proceedings will however be subject to the Appellate order. If however on default, the petitioner will lose the

benefit of this judgment.

Writ Petition is disposed of as above.

P.R.RAMAN,
Judge.

kcv.